

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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In re PAYMENT CARD INTERCHANGE	:	MDL No. 1720(MKB)(JO)
FEE AND MERCHANT DISCOUNT	:	
ANTITRUST LITIGATION	:	Civil No. 05-5075(MKB)(JO)
	:	
_____	:	ORDER REGARDING
This Document Relates To:	:	THIRD-PARTY CLAIMS-FILING
	:	SERVICES
ALL ACTIONS.	:	
	:	
_____	X	

WHEREAS since 2012, the Court has determined that certain solicitations of class members regarding third-party claims filing services have been misleading;

AND WHEREAS the Court has expressed concern about additional instances of class member confusion;

AND WHEREAS Rule 23(b)(3) Plaintiffs have submitted to the Court on September 18, 2018 a Superseding and Amended Definitive Class Settlement Agreement as well as a Motion for Class Settlement Preliminary Approval and thus expect various third-party entities to seek new business relationships based on the proposed settlement;

IT IS HEREBY ORDERED AND DECREED as follows:

All third-party claims filing companies wishing to represent merchants are required to include in any solicitation to prospective clients the following to ensure that any solicitation is truthful and accurate the following:

1. A statement that claim forms are not yet available.
2. A statement making clear that class members need not sign up for a third-party service in order to participate in any monetary relief and explaining that no-cost assistance will be available from the Class Administrator and Class Counsel during the claims-filing period.
3. Information directing class members to the Court-approved website for additional information.

FURTHER, the Court orders that:

1. The proposed relief outlined above must be included in any solicitation, in any form including websites, mail and email solicitations, contracts, telephone and in-person solicitations;

2. Solicitations that do not contain the required information (as set forth above), may be deemed misleading and following notice and an opportunity to cure, those entities may be enjoined permanently from taking any role in the settlement; and

3. Class Counsel is ordered to alert all known third-party claims filing entities of the requirements within five days of entry of this Order.

SO ORDERED:
s/MKB 9/26/2018

MARGO K. BRODIE
United States District Judge